UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at CHATTANOOGA

GABRIELLE & ELIJAH SMITH, minor children of GLEN SMITH, by their mother, CHERI JANINE SMITH, and)))
CHERI JANINE SMITH, widow of GLEN SMITH,)))
Plaintiffs,) Case No. 1:03-cv-139
V.) Judge Mattice
MARTY DUNN, individually,)
Defendant.)

ORDER

United States Magistrate Judge Susan K. Lee filed her report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). [Court Doc. No. 101.] Neither party filed objections within the given 10 days.

After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation. The Court thus **ACCEPTS** and **ADOPTS** Magistrate Judge Lee's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b).

Accordingly, the Court **ORDERS** that Plaintiffs' Second Motion to Amend [Court Doc. No. 96] is **DENIED**.

SO ORDERED this 11th day of April, 2006.

s/ Harry S. Mattice, Jr.

HARRY S. MATTICE, JR.

UNITED STATES DISTRICT JUDGE